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ORIGINAL

STATE OF MICHIGAN
COUNTY OF WAYNE
THIRD JUDICIAL CIRCUIT COURT - CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF MICHIGAN,

vs.

Case No. 88-011275

DWIGHT H. RASHAD,

Defendant.

RESENTENCE

BEFORE THE HONORABLE VERA MASSEY JONES
CIRCUIT COURT JUDGE

Detroit, Michigan - Friday, May 14, 2004

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APPEARANCES:

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For the Defendant: JEFFREY L. EDISON (P25912)

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<u>EXHIBITS:</u>	<u>MARKED</u>	<u>ADMITTED</u>
NONE		

1 Detroit, Michigan

2 Friday, May 14, 2004

3 At about 10:11 a.m.

4 (All parties present.)

5 THE CLERK: Case number 88-11275; People
6 versus Dwight Rashad. This matter is before the Court
7 for resentencing. Actually, the sentence is in
8 progress.

9 THE COURT: Your appearances for the record?

10 MR. EDISON: Jeffrey Edison on behalf of Mr.
11 Rashad.

12 Good morning, your Honor.

13 THE COURT: Good morning.

14 MR. BOYLE: Terrance K. Boyle on behalf of
15 Kym Worthy, representing the People of the State of
16 Michigan.

17 THE COURT: Okay. Was there anything else
18 that had to be changed in this Presentence Report?

19 MR. EDISON: No, your Honor. I've had a
20 chance to review the report together with Mr. Rashad,
21 and I have no further corrections.

22 THE COURT: Okay. Is there anything you'd
23 like to say before I impose sentence?

24 MR. EDISON: Yes, your Honor.

25 I know that the sentence is required in

1 this case, particular sentence, so I don't intend to
2 address that.

3 However, standing here together with Mr.
4 Rashad, giving my knowledge of him and my interactions
5 with him, I would like to make some comments for the
6 record. And that is is that over the years of practice
7 of -- and I guess I've come in contact with thousands
8 of men and women, a lot of different crimes, a lot of
9 different offenses, I would say to the Court that as
10 recent as, I believe, sometime early '90s, I've had the
11 pleasure and opportunity to participate in programs at
12 the Ryan Correctional Facility.

13 And I think it was in the early '90s
14 that I first came in contact with Mr. Rashad. And at
15 that time, he was part of the leadership of the prison
16 NAACP Chapter that organized programs during African
17 History Month; during Kwanza celebrations.

18 They had organized community volunteers
19 where different persons in the community would come in
20 and interact with the men in the prison.

21 Also, he was responsible for developing
22 programs that addressed, I guess, the support of the
23 men in the prison in terms of their own personal
24 development.

25 And even from the time that I first met

1 Mr. Rashad until now, I was able to see his own
2 personal growth and development, aside from just what
3 he was doing in the prison for the prisoners, but also
4 for families of prisoners too. Because that, I think,
5 is a very important aspect of this process that we have
6 to address in terms of maintaining some kind of
7 continuity in the hopes that a person will return to
8 the community as being a viable and productive member
9 of our community.

10 In terms of what we refer to
11 academically as the rehabilitative aspect of sentence,
12 and whether a person truly can rehabilitate themselves,
13 I think Mr. Rashad represents someone who has
14 rehabilitated himself.

15 There's one interesting note in the
16 report regarding his institutional record; and that is,
17 Mr. Rashad has been incarcerated upwards to 15 years
18 now, maybe going on 16. But at least 15 years. During
19 that time he's only received one misconduct violation,
20 and that was within the first nine months of his
21 incarceration, and that was for being out of place.

22 I think that that speaks volumes about
23 his inner character and the type of person that he is.
24 Certainly, whatever was going on in Mr. Rashad's life
25 at the time of this offense was one thing. But once he

1 was placed in the correctional system, and he had time
2 to address whatever negativity he was experiencing, and
3 made a decision on his own part to change his life, and
4 to -- well, just to change, that he did in fact do
5 that.

6 And I would say to the Court that Mr.
7 Rashad has served as an inspiration, really, because --
8 for me, because we deal with so many different people
9 all the time, and different degrees of tragedies. And
10 it is rather refreshing and inspiring to meet someone
11 who has gone through this process and has turned
12 themselves around, and to really help others.

13 So, he has never made any excuses. He
14 has not been bitter behind all of this. And so, as the
15 Court imposes its sentence, I'd ask the Court to
16 consider recommending that he be eligible for parole at
17 this time. The legislation allows for his
18 parolability. I think he represents the type of person
19 who should be paroled. He's demonstrated it by the
20 work that he's done while he's been incarcerated.

21 And so, before I conclude, I would just
22 note that he has family members in court in support of
23 him, and I just think he is worthy of parole at this
24 time, your Honor.

25 THE COURT: Anything from the People?

1 MR. BOYLE: Nothing at all. I'd just ask the
2 Court to follow the law.

3 THE COURT: All right.

4 Mr. Rashad, anything you'd like to say?

5 DEFENDANT RASHAD: Yes. I would like to say,
6 your Honor, that there's an African proverb that says
7 "habits is like a full-grown mountain; hard to get over
8 or pull down."

9 As a result, I take full responsibility
10 for my past, present, and future actions. And I'm
11 grateful to this Court, the prosecutors on this case,
12 defense attorneys, prison volunteers, and my family and
13 friends for your role during my 15 years of
14 incarceration, because I am definitely better than I
15 used to be.

16 THE COURT: Well, I have no choice but to
17 impose the natural -- to impose a life sentence because
18 that was mandated by statute at the time he committed
19 the crime, and that's what I impose.

20 I will recommend, and I will comment, I
21 noticed when I read the update, it is unusual to have a
22 person in prison for the number of years that he's been
23 in, and to have had only one problem. And they say
24 that the misconducts usually do occur during the first
25 year or so because it's hard to get into that routine.

1 But once, apparently, he got into the routine, he has
2 had no other problems.

3 I hope that they will look at him for
4 parole. Because if you remember at the time I
5 sentenced him, I had decided, based on what I could see
6 in regard to the law, that it was cruel and unusual
7 punishment.

8 I was overturned on that, and told to
9 bring him back, and it's never happened. And now the
10 legislature has decided it doesn't make sense to
11 incarcerate people for that length of time, and they've
12 changed the law now.

13 And under the new law, he is eligible --
14 he can be considered for parole, and I would recommend
15 that the parole board do take a look at him very
16 seriously and as soon as possible.

17 Good luck to you, sir.

18 DEFENDANT RASHAD: Okay, thank you.

19 THE COURT: You may file an Application for
20 Leave to appeal your conviction and sentence to a
21 higher court. If you're without funds to hire a
22 lawyer, you may request this Court to appoint an
23 attorney, and request that this Court furnish that
24 attorney with the portions of transcript and records
25 the attorney needs.

1 The request for the appointment of an
2 attorney must be made in writing and sent directly to
3 the Court at the address noted above within 42 days.

4 The financial schedule on the back of
5 this form must be completed.

6 Good luck to you, sir.

7 (At about 10:20 a.m., proceedings concluded.)
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CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
) ss
COUNTY OF WAYNE)

I certify that this transcript, in the matter of
THE PEOPLE OF THE STATE OF MICHIGAN vs. DWIGHT H. RASHAD,
case number 88-011275, consisting of 10 pages, is a
complete, true, and correct transcript of the proceedings
held in this case on Friday, May 14, 2004.

June 22, 2004

ay, May 14, 2004.


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